

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 21, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in this application.

In the Office Action, claims 1-17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,344,837 to Gelsey ("Gelsey") in view of U.S. Patent No. 6,154,855 to Norman ("Norman"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-17 are allowable over Gelsey in view of Norman for at least the following reasons.

It undisputed that Gelsey does not disclose "calculating at each of the 3-D pixels a contribution of light from the 3-D pixel to generate at least in part a scene point of the plurality of 3-D scene points." (See, Office Action, page 3, lines 11-13.)

The Office Action first relies on teachings of the present application for support that 3-D pixels "may be a device comprising a spatial light modulator . . . may contain light sources, lenses,

spatial light modulators and a control unit ..." This position is then forwarded for support that Gelsey teaches such a control mechanism with further reliance on Norman.

It is respectfully submitted that it is improper to use the teaching of the present application as a source of teachings for rendering the present application unpatentable. The section of the present application cited in the Office Action, namely page 2, lines 18-21, is a section that describes the present invention and accordingly, use of this section in rejecting the present claims is an improper use of hindsight reconstruction.

In consideration of the use of improper hindsight for rendering a claim obvious in light of prior art, the Federal Circuit has stated that "to draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction - an illogical and inappropriate process by which to determine patentability." (Sensonics, Inc. v. Aerisonic Corp., 81 F.3d 1566, 38 USPQ2d 1551 (Fed. Cir. 1996). "To imbue one of ordinary skill in the art with knowledge of the invention ensued,

when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." (In re Zurko, 111 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997). "A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field (cited reference omitted). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher (cited references omitted).'" (In re Kotzab, 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000).

Accordingly, it is respectfully submitted that use of the teachings of the present application in rejecting the claims is

improper since it is undisputed that Gelsey fails to disclose or suggest such a feature of the 3-D pixels.

Norman is cited for "[teaching] the use of arrays of local processors for display, with explicit calculation of input" (see, Office Action, bottom of page 3 continuing to page 4, line 2), however, it is respectfully submitted that reliance on Norman is misplaced. What in fact Norman shows is merely a fault tolerant parallel processor system enabled "to receive, decompress and display a large number of parallel input streams ..." (See, Norman, Col. 9, lines 19-20.)

It is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Gelsey in view of Norman. For example, Gelsey in view of Norman does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "calculating at each of the 3-D pixels a contribution of light from the 3-D pixel to generate at least in part a scene point of the plurality of 3-D scene points; and performing at least one of emitting and transmitting the light by each of the 3-D pixels that is calculated to contribute to the

scene point" as recited in claim 1, and as substantially recited in claim 11.

Gelsey performs the 3-D calculation at a central processor and transfers the data to the 3-D pixels for rendering a scene. Norman merely shows a parallel processing system and not each of the 3-D pixels calculating a contribution of light from the 3-D pixel, and as such, does nothing to cure the deficiencies in Gelsey.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 11 are patentable over Gelsey in view of Norman and notice to this effect is earnestly solicited. Claims 2-10 and 12-17 respectively depend from one of claims 1 and 11 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims.

For example, Gelsey in view of Norman does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the contribution of light of a 3-D pixel to a certain 3-D scene point is calculated within one 3-D pixel of one row or of one column previous to the provision

of said 3-D scene points from the one 3-D pixel to the remaining 3-D pixels of a row or a column, respectively" as recited in claim 5, nor "wherein a 3-D pixel outputs an input 3-D scene point to at least one neighboring 3-D pixel" as recited in claim 6, nor "wherein each 3-D pixel alters the co-ordinates of a 3-D scene point prior to putting out said altered 3-D scene point from each 3-D pixel to at least one neighboring 3-D pixel" as recited in claim 7. Although Gelsey is cited for showing these features, it is respectfully submitted that since it is undisputed that Gelsey fails to disclose or suggest calculating at each of the 3-D pixels a contribution of light from the 3-D pixel ..., it is unsupportable that Gelsey discloses or suggests the features of claims 5, 6 and 7.

Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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